

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO

SWINERTON BUILDERS, a California
corporation; and SWINERTON
INCORPORATED, a California corporation,

Plaintiffs,

v.

AMERICAN HOME ASSURANCE
COMPANY; NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH,
PA.; and DOES 1 through 250, inclusive,

Defendants.

CASE NO.: 3:12-cv-06047-EMC

STIPULATION AND ORDER TO CONTINUE
CASE MANAGEMENT CONFERENCE

The undersigned parties, through their respective counsel, hereby stipulate as follows and request that the Court enter this Stipulation and Order continuing the Case Management Conference to a later date:

- (1) Defendants, American Home Assurance Company ("American Home") and National Union Fire Insurance Company of Pittsburgh, PA ("National Union") have filed a Motion to Dismiss and Alternative Motion to Stay Action Pending Arbitration, which is scheduled for hearing on March 14, 2013;
- (2) A Case Management Conference has also been set for this matter on March 14, 2013;
- (3) The parties desire a continuation of the Case Management Conference to allow Defendants'

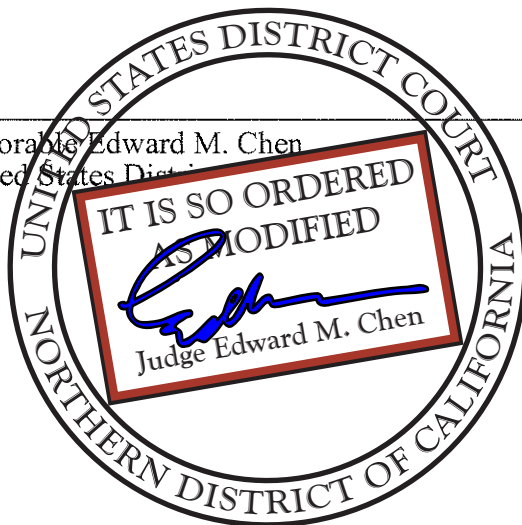
Motion to Dismiss and Alternative Motion to Stay Action Pending Arbitration to be resolved prior to engaging in work preparatory to, and appearing at, the Case Management Conference, in order to promote efficiency and to conserve judicial and party resources.

/s/ Joseph L. Oliva
Joseph L. Oliva, Esquire
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*Attorney for Plaintiffs Swinerton Builders
and Swinerton Incorporated*

/s/ Marc J. Derewetzky
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*Attorneys for Defendants American Home
Assurance Company and National Union Fire
Insurance Company of Pittsburgh, PA*

GOOD CAUSE APPEARING, IT IS SO ORDERED . The CMC is reset to 4/25/13. A joint CMC statement shall be filed by 4/18/13.

Honorable Edward M. Chen
United States District Court



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Attorneys for Plaintiffs
SWINERTON BUILDERS and
SWINERTON INCORPORATED

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COMPANY NATIONAL UNION FIRE
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Defendants.

CASE NO. CV 12-06047 EMC

PROOF OF SERVICE

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action. My business address is 11770 Bernardo Plaza Court, Suite 350, San Diego, California 92128.

On March 1, 2013, I caused the following document(s) described as:

STIPULATION AND ORDER TO CONTINUE CASE MANAGEMENT
CONFERENCE

to be served on the interested parties in this action as follows:

Marc J. Derewetzky
mjd@trenklawfirm.com

Thomas Holden

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TRENK, DIPASQUALE, DELLA, FERA &

Counsel for Defendants,
AMERICAN HOME ASSURANCE
COMPANY and NATIONAL UNION
FIRE INSURANCE COMPANY OF
PITTSBURGH, PA.

1 SODONO, P.C.
2 1300 Clay Street, Suite 600
3 Oakland, CA 946121
4 Telephone: 510-466-6318
Facsimile: 510-466-6319

5 ☒ BY CM/ECF: I caused such document(s) to be served electronically pursuant to the
6 United States Bankruptcy Court's Electronic Case Filing Program to be delivered
electronically to those parties who have registered to become an E-Filer.

7 ☐ US MAIL: I caused such document(s) to be deposited in the mail at San Diego,
8 California. The document was mailed with postage thereon fully prepaid. I am readily
9 familiar with this firm's practice of collection and processing or correspondence for mailing.
10 Under that practice, it would be deposited with the United States Postal Service on that same
day with postage thereon fully prepaid at San Diego, California in the ordinary course of
business. I am aware that on motion
of the party served, service is presumed invalid if postal cancellation date of postage meter
date is more than one day after date of deposit for mailing in affidavit.

11 ☐ BY OVERNIGHT MAIL: I enclosed the document(s) described above in an envelope
12 or package provided by an overnight delivery carrier and addressed to the person(s) at the
address(es) listed above. I placed the envelope or package for collection and overnight
delivery to an office or a regularly utilized drop box of the overnight delivery carrier.

13 ☐ BY ELECTRONIC MAIL: I caused the above document(s) to be personally
14 delivered to the above-listed person(s) at the Email addresses(es) set forth above.

15 ☐ BY PERSONAL SERVICE: I caused the above document(s) to be personally
delivered to the above-listed person(s) at the addresses(es) set forth above.

16 I declare under penalty of perjury under the laws of the United States of America that
17 the foregoing is true and correct and that I am employed in the office of a member of the bar
of this Court at whose direction the service was made.

18 Executed on March 1, 2013 at San Diego, California

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20 Rosa Nichols
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